

## ARTICLE 709

### Dogs

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### CROSS REFERENCES

Animals running at large - See 3rd Class §2403(8) [53 P.S. §37403(8)]  
Power to destroy dogs. - See 3rd Class §2403(9) [53 P.S. §37403(9)]  
Cruelty to animals - See Penal Code §942, 944  
Fowl and other animals - See HLTH. Art. 1159

#### 709.01 DEFINITIONS.

For the purpose of this article, the following terms shall have the following meanings, unless otherwise indicated:

- (a) "Dog" shall mean both male and female dogs.
- (b) "Owner" shall mean and include every person, firm or corporation having a right of property in any dog which is kept or harbored within the City, as well as every person, firm or corporation occupying any premises within the City which permits a dog or dogs to remain on or about its premises.

- (c) "At large" shall mean off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain or otherwise. (Ord. 1124 §1. Passed 5/29/51.)

#### 709.02 LICENSE REQUIRED.

No person shall own, keep or harbor within the City any dog six months or older, unless such dog is licensed by the Treasurer of the proper county in which the dog is kept, and unless such dog wears a collar and license tag. this provision is not intended to apply to dogs whose owners are nonresidents, temporarily within the City, or to dogs brought, into the City for breeding, trial or show purposes, or to any "seeing-eye" dog properly trained to assist blind persons, when such dog is actually used by a blind person for the purpose of aiding him in going from place to place. (Ord. 1124 §2. Passed 5/29/51.)

#### 709.03 RUNNING AT LARGE; IMPOUNDING.

(a) No person owning or having in his custody any dog shall permit the dog to go at large to the injury or annoyance of others, nor shall any dog be permitted at large upon the streets or other public ways of the City. Such action is declared to be a nuisance and dangerous to the public health and safety.

(b) It shall be the duty of the Impounding Officer, and every police officer of the City, to seize and detain any dog, licensed or unlicensed, found running at large, either upon the public streets or highways of the City or on the property of any other person, and unaccompanied by its owner or a keeper. The Impounding Officer, and any police officer of the City, are authorized and empowered to go upon any premises and to enter any building to seize and detain any dog which has been running at large unaccompanied by an owner or keeper when such Impounding Officer or police officer is in immediate pursuit of such dog. (Ord. 1867 §1. Passed 7/21/64.)

#### 709.04 NOTICE TO OWNER; PAYMENT OF CHARGES.

The Impounding Officer and any police officer of the City who have seized any dog under the provisions of this article, which does not have a

proper license affixed to its collar, shall see that the dog is properly kept and fed and shall give notice, either personal or by registered mail, to the owner thereof, if he can be ascertained, to claim such dog within ten days from the date of the notice. The owner of such dog so seized and detained reclaiming the dog shall pay all expenses incurred for feeding and harboring before the dog is returned to him, at the rate of fifty cents (50¢) per day, and the further sum of two dollars (\$2.00) to cover the cost of impounding and returning the animal to its owner. (Ord. 1124 §4. Passed 5/29/51.)

#### 709.05 DESTROYING OF DOG; FEE.

Any dog seized and detained by the Impounding Officer which has not been claimed by its owner or sold at public or private sale, as herein provided, shall be destroyed by the Impounding Officer in some humane manner. The impounding Officer shall receive two dollars (\$2.00) for properly disposing of the carcass of such dog either by cremation, burial or other approved sanitary method. (Ord. 1124 §4. Passed 5/29/51.)

#### 709.06 SALE OR DESTROYING OF UNCLAIMED DOGS.

All dogs seized and detained by the Impounding Officer or any police officer and not reclaimed by the owner within ten days after seizure may be sold by the Impounding Officer either at public or private sale. The proceeds shall be applied to discharge the costs of feeding and harboring the dog, and costs of such sale and the costs and penalties herein provided. However, no dog detained by the Impounding Officer shall be sold to anyone for the purpose of vivisection. No dog appearing to be suffering from rabies or affected by hydrophobia, mange or other infectious or dangerous disease shall be sold or released by the Impounding Officer, but shall forthwith be destroyed. (Ord. 1124 §5. Passed 5/29/51.)

#### 709.07 RUNNING AT LARGE OF CERTAIN DOGS.

No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. Whenever any such dog is found running at large in violation of this article, it shall be taken up and impounded and shall not be released except upon approval of the Police Commissioner after payment of the fines provided herein. Any dangerous, fierce or vicious dog found running at large which cannot be safely taken up

and impounded may be slain by any police officer or the Impounding Officer. (Ord. 1124 §6. Passed 5/29/51.)

#### 709.08 OBSERVATION FOR RABIES.

(a) If any dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the premises of the owner and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Impounding Officer of the fact that his dog has been exposed to rabies. At his discretion, the Impounding Officer is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under the observation of a veterinarian for a period of two weeks at the expense of the owner.

(b) No person, knowing or suspecting that his dog has rabies, shall allow such dog to be taken off his premises or beyond the limits of the City without the written permission of the Impounding Officer. Every person owning or harboring a dog, upon ascertaining a dog to have rabies, shall immediately notify the Impounding Officer or a police officer, who shall either remove the dog to the pound or summarily destroy it. (Ord. 1124 §7, 8. Passed 5/29/51.)

#### 709.09 PROCLAMATION OF HYDROPHOBIA BY MAYOR.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises, unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. Any dog so noticeably infected with rabies and displaying vicious propensities may be killed by any police officer or the Impounding Officer without notice to the owner. Any dog impounded during the period of such proclamation shall, if claimed within ten days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for herein. If unclaimed after that period, such dog may be summarily destroyed. (Ord. 1124 §9. Passed 5/29/51.)

#### 709.10 INTERFERENCE WITH OFFICERS.

(a) Any person interfering with the Impounding Officer or any police officer in the enforcement of this article shall be guilty of a violation of this article.

(b) Any person who shall take away, or attempt to take away, or who shall cut or attempt to cut the leash of any dog from the possession and custody of the Impounding Officer or any police officer shall be guilty of a violation of this article. (Ord. 1124 §10, 11. Passed 5/29/51.)

#### 709.99 PENALTY.

Any person violating the provisions of this article shall be fined not more than three hundred dollars (\$300.00) or imprisoned not more than ninety days, or both. (Ord. 1768 §1. Passed 11/13/62.)